

# LATHAM & WATKINS

ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W.

SUITE 1300

WASHINGTON, D.C. 20004-2505

TELEPHONE (202) 637-2200

FAX (202) 637-2201

PAUL R. WATKINS (1899-1973)  
DANA LATHAM (1898-1974)

## CHICAGO OFFICE

SEARS TOWER, SUITE 5800  
CHICAGO, ILLINOIS 60608  
TELEPHONE (312) 876-7700  
FAX (312) 993-9767

## HONG KONG OFFICE

23RD FLOOR  
STANDARD CHARTERED BANK BUILDING  
4 DES VOEUX ROAD CENTRAL, HONG KONG  
TELEPHONE + 852-2905-8400  
FAX + 852-2905-6940

## LONDON OFFICE

ONE ANGEL COURT  
LONDON EC2R 7HJ ENGLAND  
TELEPHONE + 44-171-374 4444  
FAX + 44-171-374 4460

## LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000  
LOS ANGELES, CALIFORNIA 90071-2007  
TELEPHONE (213) 485-1234  
FAX (213) 891-8783

## MOSCOW OFFICE

113/1 LENINSKY PROSPECT, SUITE C200  
MOSCOW, RUSSIA 117198  
TELEPHONE + 7-503 956-5555  
FAX + 7-503 956-5558

## NEW JERSEY OFFICE

ONE NEWARK CENTER  
NEWARK, NEW JERSEY 07101-3174  
TELEPHONE (201) 639-1234  
FAX (201) 639-7298

## NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000  
NEW YORK, NEW YORK 10022-4802  
TELEPHONE (212) 906-1200  
FAX (212) 751-4664

## ORANGE COUNTY OFFICE

850 TOWN CENTER DRIVE, SUITE 2000  
COSTA MESA, CALIFORNIA 92626-1925  
TELEPHONE (714) 540-1235  
FAX (714) 755-8290

## SAN DIEGO OFFICE

701 "B" STREET, SUITE 2100  
SAN DIEGO, CALIFORNIA 92101-8197  
TELEPHONE (619) 236-1234  
FAX (619) 696-7419

## SAN FRANCISCO OFFICE

505 MONTGOMERY STREET, SUITE 1900  
SAN FRANCISCO, CALIFORNIA 94111-2562  
TELEPHONE (415) 391-0600  
FAX (415) 395-8095

## TOKYO OFFICE

INFINI AKASAKA, MINATO-KU  
TOKYO 107, JAPAN  
TELEPHONE +813-3423-3970  
FAX +813-3423-3971

EX PARTE OR LATE FILED

December 2, 1998

RECEIVED

DEC 2 - 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: IB Docket No 97-95, RM-8811;  
ET Docket No. 94-124, RM-8308, RM-8784;  
ET Docket No. 95-183, RM-8553  
**EX PARTE PRESENTATION**

Dear Ms. Salas:

The Commission's Report and Order and Second Notice of Proposed Rulemaking in ET Docket No. 95-183 (released November 3, 1997) designating the 38.6-40.0 GHz band for terrestrial services in the U.S. (the "39 GHz Order") makes it unlikely that this band will be used for commercial satellite services in the U.S. Accordingly, Hughes Communications, Inc. ("HCI") is writing to urge the Commission to accommodate the U.S. spectrum needs of the satellite industry in the other parts of the frequency bands above 36 GHz that are outside of the 38.6-40.0 GHz band.

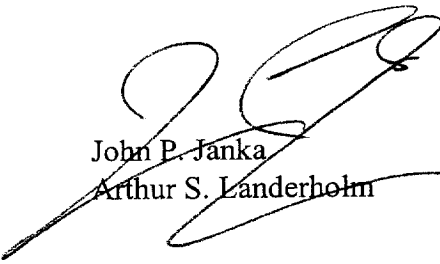
As previously noted in the dockets referenced above, and as evidenced by the applications that HCI has filed for three new satellite systems that will operate in the 36.0-51.4

Ms. Magalie Roman Salas  
December 2, 1998  
Page 2

GHz band,<sup>1</sup> the spectrum needs of the satellite industry between 36.0 GHz and 51.4 GHz are greater than the Commission's current band plan proposal for the U.S. in IB Docket No. 97-95, as implemented in part through the 39 GHz Order, which proposal simply will not support the provision of all of the satellite services proposed by HCI and others at a level that would allow the development of economically viable businesses in the future. In light of the Commission's 39 GHz Order, alternative additional spectrum should be allocated elsewhere at 36.0-51.4 GHz for satellite services.

HCI would be pleased to provide the Commission with any supplemental information the Commission may require with respect to these matters in connection with the above-referenced rulemaking proceedings. Fourteen copies of this letter are enclosed for the seven dockets referenced above.

Respectfully submitted,



John P. Janka  
Arthur S. Landerholm

---

<sup>1</sup> Hughes Communications, Inc., File No. 90-SAT-P/LA-97(A) & 119 through 127-SAT-P/LA-97; Hughes Communications, Inc., File No. 148 through 151-SAT-P/LA-97; Hughes Communications, Inc., File No. 157/158-SAT-P/LA-97 & 159-SAT-P/LA-97(20).